

MEMO ENDORSED



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

CRIMINAL APPEALS AND
FEDERAL HABEAS CORPUS BUREAU

March 26, 2021

By Electronic Filing

The Hon. Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Phelps v. Superintendent*, 1:20-cv-10352 (KPF)

Dear Judge Failla:

I represent the respondent in this habeas corpus matter filed under 28 U.S.C. § 2254. Petitioner has filed a motion, Docket No. 17, that contains an exhibit that identifies the victim of the sex offense that formed the basis for petitioner's state court conviction. (See Dkt. No. 17: 5¹.) The exhibit, the New York County District Attorney's Office's 2020 response to a coram nobis motion petitioner filed in state court, contains the heading: "Pursuant to Civil Rights Law § 50-B, the Identities of Sex Offense Victims are Confidential and this Document Should Not Be Made Available for Public Inspection." (Dkt. No. 17: 4 (some capitalization removed).) I write to request that this Court seal Docket No. 17 because it identifies the victim of petitioner's sex offense. Alternatively, respondent has redacted the page containing the victim's name, page 5, to black out the victim's name, and asks that the Court substitute the redacted page, which is attached to this letter, for page 5 of the currently-filed document.

Thank you very much for your consideration.

Respectfully submitted,

/s/ Margaret A. Cieprisz

¹ Pages numbers refer to those generated by the Courts ECF system.

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cc: Darryl Phelps
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(With Attachment)

Application GRANTED. A redacted version will be substituted on the docket. The Clerk of Court is directed to mail a copy of this endorsement to Petitioner's address of record.

Dated: March 29, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE